

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

CHAPTER 13

LEON DONALD CLEVELAND

CASE NUMBER: 22 112184

DEBTOR

Community Loan Servicing, LLC

Movant

And

Kenneth E. West

Standing Chapter 13 Trustee

Debtor's Response to Objections of Community Loan Servicing, LLC to Debtor's Proposed
Chapter 13 Plan

Debtor, by and through, his undersigned attorney, Christopher C. Carr, Esquire, hereby responds to the Objections of Community Loan Servicing, LLC ("CLS") to Debtor's Proposed Chapter 13 Plan ("Objections") for the following reasons:

1. On information and belief, CLS despite its promises otherwise, has not filed any proof of claim with respect to its interest, if any, in the subject property, located 5861 Christian Street, Philadelphia, PA 19143. (In fact, by its own admission, any such proof of claim had one been filed, would be late filed.) Bankruptcy Rule 3002(a) provides that a secured creditor must file a proof of claim for the claim to be allowed and Rule 3002 (c) provides that a claim for a non-governmental entity is timely if filed not later than 70 days after the order for relief is filed under chapter 13. (A true and correct copy of the National Data Center Claim Summary for this case is attached hereto as Exhibit A hereto. CLS does not appear thereupon) Therefore, this Court cannot properly entertain its Objections as CLS lacks standing.

2. The remainder of the Objections in summary complain that the Plan is financially infeasible and therefore aver that it was not filed in good faith. Assuming for the sake of argument that CLS had standing to assert this claim and without intent to admit any statement of fact, Debtor will be shortly filing an amended Plan and Schedules which will demonstrate adequate reserves after all expenses including those necessary to meet Debtor's obligations to CLS, to demonstrate financial feasibility. Therefore, CLS' objections must be deemed to lack ripeness. Debtors' submissions to this honorable Court are not in bad faith

Wherefore, Debtor, Leon D. Cleveland prays that the Objections of Community Loan Services, LLC be overruled and for such other relief as may be deemed just and appropriate.

Date: July 11, 2023



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ORDER

Upon consideration of the Objections of Community Loan Servicing, LLC to Debtor's Proposed Chapter 13 Plan and Debtor's Response to the said Objections by Debtor, Leon D. Cleveland, it is ORDERED that the Debtors Response, being found meritorious, is sustained and the said Objections are overruled. The proposed Plan shall not be deemed infeasible or submitted in bad faith by virtue of the relief requested by Movant.

Dated: July __, 2023

By the Court